

PART 5306--COMPETITION REQUIREMENTS

PART 5306--COMPETITION REQUIREMENTS

TABLE OF CONTENTS

<u>Title</u>	<u>Paragraph</u>	<u>Page</u>
Definitions.....	5306.003	6-1
SUBPART 5306.2--FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES		
Establishing or maintaining alternative sources.....	5306.202	6-1
SUBPART 5306.3--OTHER THAN FULL AND OPEN COMPETITION		
Circumstances permitting other than full and open competition.....	5306.302	6-1
International agreements	5306.302-4	6-1
Public interest.....	5306.302-7	6-1
Justifications.....	5306.303	6-2
Requirements.....	5306.303-1	6-2
Content	5306.303-2	6-2
Justification Review Document.....	5306.303-290	6-2
Changes.....	5306.303-291	6-2
Approval of the Justification.....	5306.304	6-2
Specific make and model acquisition under the Brooks Act.....	5306.390	6-4
TABLE		
5306-I - Justifications & Approvals Approval Requirements.....	n/a	6-5

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PART 5306--COMPETITION REQUIREMENTS

5306.003 Definitions.

As used in this part, "commencement of negotiations" means the following:

(a) For noncompetitive negotiations, the acquisition cycle may proceed up to, but not including, the start of discussions with offerors for the purpose of reaching agreement on all aspects of the proposal, including terms and conditions and the pricing arrangement. Audits and factfinding necessary to evaluate the proposal and develop the government's negotiation objectives may be conducted.

(b) For competitive negotiations, the acquisition cycle may proceed up to, but not including, competitive range determination if the competitive range determination will result in the elimination of an offeror; and may otherwise proceed up to, but not including, issuing the request for Best and Final Offer (BAFO).

SUBPART 5306.2--FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES**5306.202 Establishing or maintaining alternative sources.**

(a) The following officials are authorized (nondelegable) to sign the determination and findings (D&F) in support of proposed actions under FAR 6.202(a):

(1) The Assistant Secretary of the Air Force (Acquisition) (ASAF(A)) for all contractual actions requiring acquisition plan (AP) approval by the Senior Procurement Executive (SPE) (see 5307.103(g)(4));

(2) The PEO for all contractual actions for Major and Selected Programs (see 5302.101) assigned to a PEO, except for those that require ASAF(A) approval under (a)(1);

(3) The DAC for all contractual actions for Major or Other Programs (see 5302.101) assigned to a DAC, except for those that require ASAF(A) approval under (a)(1); and

(4) HCAs, as specified in 5301.601-91, for all contractual actions for Other Contracting (see 5302.101), except for those that require ASAF(A) approval under (a)(1).

(b) For contract actions under (a)(1) above, the contracting officer shall submit the proposed D&F to SAF/AQCS concurrently with the request for AP approval. The contracting officer will follow the J&A procedures set forth in

5306.304(a)(4)(90) when processing the D&F. The solicitation shall not be issued until after the D&F is signed by the SPE.

(c) For AFMC PEO actions, the Senior Center Contracting Official (SCCO) shall be afforded three working days to review/comment on D&Fs prior to submission to the PEO. For AFMC DAC actions, Senior Center or Laboratory Contracting Official coordination shall be obtained on all D&Fs.

SUBPART 5306.3—OTHER THAN FULL AND OPEN COMPETITION**5306.302 Circumstances permitting other than full and open competition.****5306.302-4 International Agreement.**

(c)(70) The document referred to in DFARS 206.302-4(c)(i) should be titled, "International Agreement Competitive Restrictions" (IACR).

(i) For Major and Selected Programs (see 5302.101) assigned to a Program Executive Officer (PEO), the responsibility for preparing the IACR document is delegated to the Buying Office Contracting Official (BOCO). The competition advocate at the respective AFMC product or logistics center is delegated approval authority.

(ii) For Major Programs not assigned to a PEO and Other Programs (see 5302.101), the responsibility for preparing the IACR document is delegated to the AFMC Senior Center Contracting Official. The competition advocate at these respective locations is delegated approval authority.

(iii) For Other Contracting, the responsibility for preparing the IACR document is delegated to the principal staff officer (or designee) responsible for contracting for the command, FOA, or DRU. The command, FOA, or DRU competition advocate (or designee) is delegated approval authority. For AFMC, Senior Center or Laboratory Contracting Officials are delegated the responsibility for preparing the IACR and the respective competition advocate the approval authority.

5306.302-7 Public interest.

(c) Limitations. (3) The contracting officer shall prepare the justification to support the determination and forward it through command channels to arrive at SAF/AQCS 30 cal-

PART 5306--COMPETITION REQUIREMENTS

endar days prior to the scheduled solicitation release. AFMC Contracting Officers will follow the J&A processing procedures set forth in 5306.304(a)(4)(90). The solicitation shall not be released until after the determination has been made in writing.

5306.303 Justifications.

5306.303-1 Requirements.

(c) If a change to the contract exceeds the scope of the Justification and Approval (J&A), the contracting officer shall amend the J&A and obtain required approvals prior to awarding the modification. The cumulative dollar value of the acquisition, inclusive of the proposed modification, shall dictate the level of approval as defined in FAR 6.304.

(d) The contracting officer shall forward a copy of the approved J&A to SAF/AQCO for any contract action which is subject to the Trade Agreements Act (see FAR Subpart 25.4) and will be awarded using other than competitive procedures pursuant to FAR 6.302- 3(a)(2)(i) or 6.302-7.

5306.303-2 Content.

(a)(2) Include the type of contract, the share and ceiling arrangements (when applicable), and a description of the cost and schedule risk.

5306.303-290 Justification Review Document.

A justification for a proposed contract action over \$10 million shall contain a cover sheet entitled "Justification Review Document (JRD)." The cover sheet shall identify the name of the program and the specific authority under which the proposed contract will be awarded. In addition, the JRD shall include typed names and titles, and bear the signatures of the contracting officer, the local competition advocate, the chief of the contracting office, the local legal reviewer, the program manager, and if applicable, the PEO, DAC or TEO. For AFMC PEO actions, the JRD shall be signed by the Buying Office Contracting Official. For AFMC DAC actions, the JRD shall be signed by the Senior Center or Laboratory Contracting Official and the BOCO. If there is no program manager, then the person responsible for establishing the requirement shall sign the cover sheet.

5306.303-291 Changes.

(a) If a change occurs or additional information becomes available prior to award which significantly alters the J&A, the contracting officer shall submit the revised information to the justification approval authority with a statement assessing impact on the J&A.

(b) If, prior to award, the contract action dollar value increases to the extent that it exceeds the previous approving official's authority, the contracting officer shall submit a copy of the previously approved J&A with a cover letter requesting reapproval from the appropriate higher authority. The contract shall not be awarded until approved in writing.

5306.304 Approval of the justification.

(a)(2)(i) The activities listed below are "procuring activities" referenced in FAR 6.304(a)(2).

Assistant Secretary of the Air Force (Acquisition)
Deputy Assistant Secretary (Contracting), SAF/AQC
11th Wing

Air Combat Command

Air Education and Training Command

Air Mobility Command

Air Force Materiel Command

-Headquarters, Air Force Materiel Command

-Aeronautical Systems Center

--Aeronautical Systems Center/OL-PK

--Aeronautical Systems Center/PKW

--Wright Laboratory

-Aerospace Guidance and Metrology Center

-Air Force Development Test Center

-Air Force Flight Test Center

-Air Force Office of Scientific Research

-Arnold Engineering Development Center

-Electronic Systems Center

--Communications Systems Center

--Rome Laboratory

--Standard Systems Center

-Human Systems Center

-Oklahoma City Air Logistics Center

-Ogden Air Logistics Center

-Sacramento Air Logistics Center

-San Antonio Air Logistics Center

-Space and Missile Center

--Detachment 10/Space and Missile Center

--Phillips Laboratory

-Warner-Robins Air Logistics Center

Air Force Reserve

Air Force Space Command

Air Force Special Operations Command

Pacific Air Forces

United States Air Forces in Europe

USAF Academy

(ii) For Major and Selected Programs, the competition advocate at the AFMC product or logistics center may approve the justification.

PART 5306--COMPETITION REQUIREMENTS

(a)(3) PEOs and DACs may delegate this authority to an official who meets the criteria of FAR 6.304(a)(3). For AFMC PEO actions, the SCCO shall be afforded three working days to review/comment on any J&A over \$1,000,000 prior to submission to the approving official. For AFMC DAC actions, the Senior Center or Laboratory Contracting Official shall coordinate on any J&A over \$1,000,000. The contracting officer shall not release the solicitation until the justification is approved in writing (but see FAR 6.302-2(c)(1)).

(a)(4)(A)(70) For a proposed contract over \$10,000,000 but not exceeding \$50,000,000, the SPE has delegated approval authority to the Deputy Assistant Secretary of the Air Force (Acquisition) (SAF/AQ).

(a)(4)(90) Submit justifications requiring approval by the SPE or Principal Deputy Assistant Secretary of the Air Force (Acquisition & Management) (PDASAF(A&M)) to SAF/AQCS. For AFMC PEO actions, the SCCO shall be afforded three working days to review/comment on all J&As requiring approval by the SPE or DASAF(A) prior to submittal to SAF/AQCS. For AFMC DAC actions, all justification requiring approval by the SPE or PDASAF(A&M) will be coordinated with the Senior Center or Laboratory Contracting Official prior to submittal to SAF/AQCS. SAF/AQCS transmits the approved justification to the contracting activity by memorandum entitled, "Final Acquisition Action Approval (FAAA)," which contains any restrictions (exceptions) which may have been imposed. SAF/AQCS prepares and processes the FAAA. Plan 30 days for staffing and issuance of the FAAA after receipt by SAF/AQCS. SAF/AQCS shall monitor clearance of the Exceptions noted in the FAAA. Exceptions marked with an asterisk that stop the acquisition cycle must be cleared by an amendment to the FAAA. Exceptions that do not stop the acquisition cycle do not require an amendment to the FAAA, but must be cleared through SAF/AQCS. The contracting officer is responsible for clearing the exception. For AFMC PEO actions, the SCCO shall be afforded three working days to review/comment on the documentation necessary to clear the exception prior to submittal by the contracting officers, through the PEO to SAF/AQCS with an informational copy to AFMC/PK. For AFMC DAC actions and Other Contracting, the contracting officer is responsible for obtaining the Senior Center or Laboratory Contracting Official's coordination and submitting the documentation necessary to clear the exception through the DAC or MAJCOM to SAF/AQCS with an informational copy to AFMC/PK.

(a)(4)(91) When an acquisition requires approval of both an acquisition plan (AP) and J&A, the documents should be submitted concurrently. For these combination actions, plan 45 days for staffing and issuance of the FAAA after receipt

by SAF/AQCS. For an acquisition requiring FAAA by the SPE or the PDASAF(A&M), the following procedures apply:

(i) For Major and Selected Programs, the PEO (nondelegable) signs and submits the justification to SAF/AQCS prior to solicitation release. For AFMC, the PEO shall submit the J&A to AFMC/PK and SAF/AQCS simultaneously. AFMC/PK shall review, resolve comments and forward any J&A change pages to SAF/AQCS within 15 working days after receipt of the J&A. If comments cannot be resolved, AFMC/PK will forward unresolved comments to SAF/AQCS within 15 working days. SAF/AQCS shall begin internal review of the J&A upon receipt from the PEO and will release the document for SAF/AQ staffing after receipt of the results of the AFMC/PK review. Within five working days of receiving the J&A from the PEO, SAF/AQCS shall send the PEO and major command contracting activities written authorization identifying the 15th calendar day after the date SAF/AQCS received the justification. The contracting officer may release the solicitation on or after the specified date, unless directed otherwise by the SPE. SAF/AQCS shall verbally communicate SPE direction to stop release of the solicitation, followed up by written cancellation or amendment of the authorization to the PEO. In this case, the contracting officer shall not release the solicitation until the FAAA is signed or a revised release date is specified in the amendment. After release of the solicitation, negotiations shall not commence (see 5306.003) nor shall sealed bids be received until the FAAA is signed.

(ii) For AFMC Major Programs not assigned to a PEO and Other Programs, the DAC shall sign the justification. Procedures for processing the J&A after signature are the same as for PEO programs, except authorizations and SPE directions will be sent to the SCCO, with an information copy to AFMC/PK.

(iii) For Major, Selected or Other Programs assigned to a major command other than AFMC. After signature, the justification will be submitted to the major command DCS for Contracting, who has been delegated the responsibility for initial reviews as a service to the ASAF(A). These justifications will be forwarded to SAF/AQCS within 30 calendar days or when issues have been resolved, whichever occurs earlier. The major command's transmittal letter will address any unresolved issues and include a recommendation regarding solicitation release. Within five working days of receiving the justification from the major command, SAF/AQCS will send the major command contracting activity a written authorization to release the solicitation immediately, unless major issues precluding solicitation release have been identified and the SPE has directed that the solicitation not be released. SAF/AQCS shall ver-

PART 5306--COMPETITION REQUIREMENTS

bally communicate SPE direction to stop release of the solicitation, followed up by written cancellation or amendment of the authorization. In this case, the contracting officer shall not release the solicitation until the FAAA is signed or a revised date is specified in the amendment. After the solicitation is released, negotiations shall not commence (see 5306.003) nor shall sealed bids be received until the FAAA is signed.

(iv) For Other Contracting, the HCA shall designate the official authorized to sign the justification. The HCA (or designee) may authorize solicitation release after the justification is reviewed for adequacy and forwarded to SAF/AQCS. For AFMC, the procedures for processing the J&A after signature are the same as for PEO programs, except HQ AFMC/PK may authorize solicitation release after completing J&A review. AFMC/PK will send the solicitation release authorization to the Senior Center or Laboratory Contracting Official, with an information copy to SAF/AQCS. SAF/AQCS will forward SPE directions to the Senior Center or Laboratory Contracting Official, with an information copy to AFMC/PK. After the solicitation is issued, negotiations shall not commence (see 5306.003) nor shall sealed bids be received until the FAAA is signed.

(c) Class justifications for other than full and open competition are submitted for related supplies or services or for contracts requiring essentially identical justification. Class justifications shall describe the required supplies or services and include the estimated value for each contract action contemplated by the justification.

5306.390 Specific make and model acquisition under the Brooks Act.

(a) For information resources requirements that are subject to the Brooks Act (40 U.S.C. 759), use of specific make and model specifications must be justified and approved in accordance with FAR 6.302 and 6.304, prior to solicitation release.

(b) Technical and requirements personnel must provide and certify as complete and accurate data necessary to support their recommendations to use specific make and model purchase descriptions for information resources requirements. The justification must address why no other type of supplies will satisfy the requirement.

PART 5306—COMPETITION REQUIREMENTS

TABLE 5306-I
Justifications and Approvals (J&As)
Approval Requirements

AUTHORITY LEVELS

<u>J&A Est. Value</u>	<u>Programs Assigned to a PEO</u>	<u>AFMC Programs Not Assigned to a PEO</u>	<u>Other Contracting & Programs Not Assigned in AFMC</u>
Under \$100K	Contracting Officer	Contracting Officer	Contracting Officer
\$100K - \$1M	Center Competition Advocate	Center Competition Advocate	Competition Advocate
\$1M - \$10M	PEO*	DAC*	MAJCOM/CC**
\$10M - \$50M	PDASAF(A&M)	PDASAF(A&M)	PDASAF(A&M)
Over \$50M	ASAF(A)	ASAF(A)	ASAF(A)

Notes:

*—PEO/DAC may delegate approval authority to an official meeting the criteria at FAR 6.304(a)(3).

**—See AFFARS 5306.304(a)(2)(i) for Other Contracting J&As in AFMC.

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